

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:20-CV-202-D

MIA C. ALFORD,

Plaintiff,

v.

KATHLEEN MCGETTIGAN,
Acting Director of the Office of
Personnel Management,

Defendant.

ORDER

On October 26, 2020, Mia C. Alford (“Alford” or “plaintiff”), appearing pro se, filed a motion to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On November 19, 2020, the court referred the motion to Magistrate Judge Numbers for frivolity review [D.E. 5]. On December 15, 2020, Alford filed an amendment to her complaint [D.E. 7]. On February 23, 2021, Magistrate Judge Numbers issued an Order and Memorandum and Recommendation (“M&R”) and recommended that the court transfer this action to the Federal Circuit because it has exclusive jurisdiction to review the Merit Systems Protection Board’s decision [D.E. 8]. Alford did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy

itself that there is no clear error on the face of the record in order to accept the recommendation.”

Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. See Diamond, 416 F.3d at 315. Accordingly, the court adopts the conclusions in the M&R and transfers the action to the Federal Circuit because it has exclusive jurisdiction to review the Merit Systems Protection Board’s decision.

In sum, the court GRANTS plaintiff’s application to proceed in forma pauperis [D.E. 1], ADOPTS the conclusions in the M&R [D.E. 8], and TRANSFERS this action to the Federal Circuit.

SO ORDERED. This 21 day of March 2021.



JAMES C. DEVER III
United States District Judge